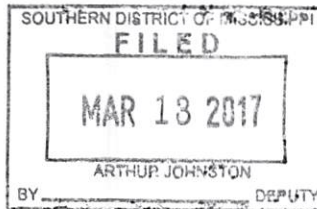


IN THE United States District Court
For the Southern District of Mississippi

James Ferguson
#60446



Plaintiff

vs.

3:17cv165DPJ-FKB

Officer UNKNOWN Ellis,
Female officer UNKNOWN Williams,

Defendants

The Defendants Williams and Ellis, knowingly, Purposely and deliberately Violated Plaintiff, Fourteen and Eight Constitutional Rights. Denied due process, Cruel and Unusual punishment.

May 5, 2015. offender Ferguson was Assault. Hit in the back of the head with a food TRAY. No Action was EVER taken concerning this incident, Nothing was EVER done to the Accused.

Breach of Security

May 28, 2016, Between 11:00 AM and 12:00 Noon, Unit 5 A-ZONE East Mississippi Correctional Facility. Officer Ellis along with Female officer Williams was Escorting offender Eugene from Cell #112 to the shower Unrestrain, allowe offender Eugene to carry a two ounce milk carton Full of body Fluid. when they Reach my Cell #114. He dash the Fluid in my Face, through the Food Tray slot. I was sitting there watching T. V. They all laugh and took him to the shower. I wrote the Captain of Security Captain Rice, also Warden Shaw, Unit Manager Donald and file an administrative Remedy Request. Both of these incident are recorded on Security Cameras.

Mississippi Department of Correction

Policy Number : 20-05

Protection From Harm

3.

Written Policy, Procedure and practice protect inmates from Personal abuse, Corporal punishment, Personal injury, disease, property damage and harassment, it is the policy of the Mississippi Department of Corrections that offenders will not be Subject to Abusive institutional practices.

Harassment or punishment on the basis of their actual or perceived Sexual Orientation, gender identity or gender non-conformity. Abusive institutional practices are practices or behaviors which humiliate, demean and or physically or psychologically abuse offenders and include deliberate and or systematic practices which are inconsistent with department policy and procedures for supervision treatment, and control, Abusive institutional practices are prohibited and must be reported and documented by all departmental Contractual and Volunter staff with knowledge of an Occurrence or an allegation or Supicion that an Abusive practice has occurred. Any staff member Ordering Engaging in or condoning abusive institutional practices will be Subject to Formal disciplinary action.

The Deputy Commissioner of Institutions and the deputy Commissioner of Community Correction or designees will Establish Procedures to ENSURE offenders Reasonable protection From Abusive institutional practices, Personal abuse, Corporal Punishment, Personal INJURY, disease, property, damage Any Form of Harassment to include, Sexual harassment, Unusual punishment, humiliation, Mental abuse or punitive interference with daily Function of Living, Such as Eating or Sleeping.

Eight Amendment; Cruel and Unusual Punishment
State OF Mind ON PART OF PRISON OFFICIAL

The Federal Constitution Eight Amendment, which Applies to the states through the due process clauses of the Fourteenth Amendment prohibits the infliction of Cruel and Unusual punishment on those Convicted of Crimes. The Constitution Requires Prison and Jail officials to provide Reasonable Safety for Prisoners. Prison officials must take Reasonable Measures to protect prisoners From Assault by other INmates, and From UnReasonably hazardous living

5. and working conditions and must refrain from subjecting them to unnecessary and excessive use of force. The Eight Amendment, which forbids cruel and unusual punishment governs the treatment of convicted prisoners. Eight Amendment Violation, infliction of pain or injury, malicious use of force, merely restrictive and harsh conditions unrelated to prison needs, no penological justification, mental or emotional injuries.

The action committed by these two officers violate the Eight Amendment, which makes them liable for damages. Plaintiff is seeking compensatory and punitive damages. Any other relief he is entitled to. Plaintiff states under oath all statements and information is true and correct.

This Date

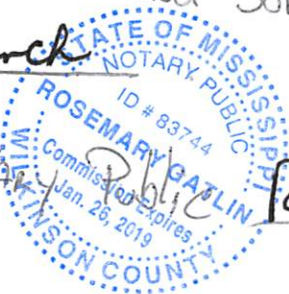
March 9, 2017

James Ferguson
#60446

State of Mississippi, County of Wilkinson

Sworn to and subscribed before me this the 9 of March

Notary Public Rosemary Gatlin



MISSISSIPPI DEPARTMENT OF CORRECTIONS

Administrative Remedy Program

NUMBER 977 - 16 - 11010

FIRST STEP RESPONSE FORM

Type or use ball point pen. You must return your response to the Administrative Remedy Program Director within 30 days of the date the request was initiated

To: James Ferguson # 604416 2H7F
 Inmate's Name and DOC# Housing Unit

From: T. D. D. ENH
 Person to whom 1st Step is Directed Title/Location

If you are not satisfied with this response, you may go to Step Two by checking below and forwarding to the ARP Administrative Remedy Program Director within 5 days of your receipt of this decision.

In order to verify the complaint by offender
James Ferguson # 604416, this matter
will be turned over to investigations

Signature

Date

☒ I am not satisfied with this response and wish to proceed to Step Two.

REASON:

I have not receive any response from investigation
or anyone. this is not a true response!

☐ I wish to cancel this complaint. You do not have to return this and time limits will cancel complaint.

James Ferguson 12-7-16
 Inmate's Signature DOC# Date

Inmate's - Copy

MISSISSIPPI DEPARTMENT OF CORRECTIONS
Administrative Remedy Program

EMCF 16-1690
Second Step Response Form

You must respond to the inmate within 45 days of receipt of the appeal of the First Step Response.

Inmate's Name & #: **James Ferguson #60446**
Location: **EMCF**

From: **Warden F. Shaw**
Title: **Warden**

Your request for Administrative Remedy has been received and reviewed in this office on July 25, 2016, your conflict with officers.

As stated in your first step response, this alleged incident was turned over to investigations. There was evidence to substantiate your claim.

I trust that I have answered your concerns pertaining to your complaint and you consider this matter closed.



Signature

12-19-16
Date

The above named inmate has fulfilled the requirements of the Administrative Remedy Program and is eligible to seek judicial review within 30 days of receipt of the Second Step Response.

Inmate's Signature DOC # Date

12-29-16

Certificate of Service

I James Ferguson, Do Hereby Certify I have postage Paid, a true and correct copy of Complaint Under 42 U.S.C. 1983; Breach of Secuety.

To_

Daniel Coker Horton, Bell
4400 Old Canton Road, Suite 400
P.O. Box 1084
Jackson, Ms. 39215-1084

This Date

March 9, 2017

James Ferguson